

disclosure” (Part 3, paragraph 2) that does not fit the first paragraph of 35 U.S.C. 112. Practically all other reasons of the Patent Examiner are based on the precondition about HIV treatment in “...different individuals” (pg. 3, line 4).

At the same time, authors have no intention to claim “The treatment of HIV...” in different individuals, but only a new unique activity of plant hormone 24-epibrassinolide. Namely, it is **an in vitro HIV-inhibiting effect of 24-epibrassinolide**, which has been discovered and documented by the authors. Claims 12-13 being connected with the Claim 11 claim the procedure details, which are discussed in the detailed description of the invention as the direct description, literature references and commonly accepted names of tests that certainly imply obligatory conditions. No doubts that the description of the invention enable any person skilled in the art to make and use the same, and thus Claims 12-13 are not conflicting with the first paragraph of 35 U.S.C. 112 and could be kept as they are.

In respect to Examiner’s remark on the absence of data about living vs. dead cells (pg. 3, line 13), we’d like to refer to the detailed description of the invention where the data are given. Thus, there are clear indications in Examples 2 and 3 that only those probes were estimated as positive ones, where the amount of living cells was 75% higher than in untreated control. Living and dead cells were calculated using the equipment described in all shown examples in full correspondence with commonly accepted test procedures specially referred in the description of Examples. It should be noted that even 75% protection of cells (which was not the highest but the lowest one) is not really low and used for determination of anti-HIV

compounds [Nature, vol. 294, 770-771 (1981); Science, vol. 229, 563 (1985); J. Virol. Meth., vol. 20, 309-321 (1988); United States Patent 6,710,068; United States Patent 6,596,720].

2. In accordance with the Part 4 of your Conclusion Letter Claims 11-13 are rejected because of their conflict with the second paragraph 35 U.S.C. 112 “...as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention” (pg. 4, Part 4, paragraph 1). Further Examiner’s explanation says: “The phrase belonging to the brassinosteroid series is indefinite since it is unclear if the compound encompassed by the claim is only 24-epibrassinolide or another compound within the brassinosteroid series.

This conclusion is fully incorrect. Firstly, the term 24-epibrassinolide implies the only single chemical compound with certain chemical formula, molecule weight, stereochemistry and other specific characteristics. Secondly, there is the chemical formula of the claimed compound in the invention description, which gives no other opportunity to understand the subject matter as 24-epibrassinolide. A comment about brassinosteroid series given in Claim 11 is reasonable to do to highlight its place among plant hormones and chemical nature. Instead of this, other comments might be used like “belonging to the steroid series”, “belonging to derivatives of cyclopentano- perhydrophenantren”, etc. Thus, Claims 11-13 are not conflicting with the second paragraph of 35 U.S.C. 112 and could be kept as they are.

3. Authors disagree with conclusion of Part 5 of the Conclusion Letter, where Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Kajita et al. (EP220514).

A hundred of similar references can be found in scientific and patent literature but all these concern to stimulation effects (growth promotion, fruits formation, crop yield increase, etc.) of the hormone in plants and no one relates to its protective action for animal cells infected by dangerous virus. Thus, our Patent Application is intended to claim a new unique property of known natural compound that has been discovered by the authors and can be patented in accordance with the U.S. Patent Law and patent laws of many other countries.

Thus, authors ask a reconsideration of previous decision taking into account reasons given above.

Please let me know what fees will be required.

Respectfully submitted by
Mikhail Samusevich
Drebsk CompTech, Inc.
7201 19 Avenue 2 Floor
Brooklyn, NY 11204
Phone: (212) 306-2324
Fax: (212) 306-2560
msamusev@mikonik.com